



Commonwealth
of Massachusetts

OCPF Online
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Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108

Advisory Opinion

February 6, 1998
AO-98-04

BY FAX and FIRST CLASS MAIL

Frank G. Lowenstein, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Re: Selection of name for ballot question committee

Dear Mr. Lowenstein:

This letter is in response to your request for an opinion regarding the naming of a ballot question committee.

Facts

You have stated that the Artery Business Committee and the Construction Industries of Massachusetts would like to form a ballot question committee. The committee's purpose will be to persuade the public to maintain existing transportation revenue sources, including tolls. Specifically, the committee will work to defeat a proposed ballot question which would prohibit tolls on the Massachusetts Turnpike and other highways, tunnels and bridges. The question has not yet been given a ballot question number by the Secretary of State.

You do not know who will contribute to the committee, but expect that most of the committee's funding will come from business entities. Contributors will not share a common employer.

Questions

(1) You have asked if the Committee may be called either "Coalition for Transportation Progress" or "Coalition to Preserve Our Roads and Bridges." As an alternative, you propose "Coalition for Preservation of Transportation Resources."

(2) You have also asked if it will be possible to change the name of the Committee to reflect the initiative's actual ballot question number once the number is assigned by the Secretary of State.

Answers

(1) The names which comply with the statute are “Coalition to Preserve Our Roads and Bridges” or “Coalition for Preservation of Transportation Resources.” The proposed name “Coalition for Transportation Progress” does not **clearly** identify the expected economic or other special interest of contributors and should not be used.

(2) Yes, you may change the name of the committee to reflect the initiative’s number, once a number is selected.

Discussion

The campaign finance law specifies, in part, that ballot question committees must identify themselves with a name or phrase which “**clearly identifies the economic or other special interest**, if identifiable, of a majority of its contributors.” If the economic or other special interest of a majority of contributors is not identifiable, the statute requires a name “that clearly identifies the economic or other special interest, if identifiable, of a majority of its organizers.” See M.G.L. c. 55, § 5B.¹

You have stated that the “economic or other special interest” of the contributors to the anticipated committee is preservation of the revenue derived from tolls collected on highways, tunnels and bridges. Your clients believe that the ballot question, if passed, will result in a loss of revenue which otherwise would be used to maintain and develop roads, bridges, tunnels and other transportation infrastructure resources. In addition, it is their belief that the passage of the ballot question will hinder the development of such resources.

Given this description of the expected “economic or other special interest” of contributors, the name which seems to convey this interest most clearly is “Coalition to Preserve Our Roads and Bridges.” “Coalition for Preservation of Transportation Resources” would also be acceptable.

Regarding your second question, once the ballot question is given a number, the name may be changed. For example, if the question is assigned the number 2, the committee could change its name to “the Vote No on Question 2 Committee.” The new name would identify a “special interest” of contributors – their opposition to a specific identifiable issue that is the subject of a ballot question. If the name is changed, the committee must either file a revised statement of organization (Form CPF 101BQ) or submit a letter to this office to attach to the statement of organization which amends the statement to reflect the new name.

This opinion is issued solely within the context of the campaign finance law and is

¹ In addition to selecting a name which is descriptive of the interest of the contributors, the committee must file a statement of organization which describes the “purpose for which the committee is organized and a list of specific issues and interests represented by the committee, or by a significant proportion of its officers, members or donors.” See M.G.L. c. 55, s. 5.

Frank G. Lowenstein
April 22, 1999
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provided on the basis of representations in your letter and conversations with OCPF staff.

This office appreciates your interest in the campaign finance law and encourages you to contact us in the future if you have further questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan" with a horizontal line extending to the right.

Michael J. Sullivan
Director